

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JUNE 9, 2015 – 7:00 P.M.

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

INVITATIONS TO BID

IB-1

INVITATION TO BID scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a **Long-Term Garage Parking Agreement**, with a term of **twenty years**, for **sixty (60) residential parking spaces** in the **Boush Street Garage**.

Thereupon, An Ordinance entitled, “An Ordinance accepting the Bid submitted by 125 West Tazewell, LLC for a **Long-Term Garage Parking Agreement**, with a term of twenty years, for 60 residential parking spaces in the **Boush Street Garage**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

IB-2

INVITATION TO BID scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a **Long-Term Garage Parking Agreement**, with a term of **twenty years**, for **fifty-six (56) residential parking spaces** in the **Freemason Street Garage**.

Thereupon, An Ordinance entitled, “An Ordinance accepting the Bid submitted by 245 Granby Street, LLC for a Long- Term Garage Parking Agreement, with a term of twenty years for 56 residential parking spaces in the **Freemason Street Garage**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to receive nominations for the appointment of **four school board** members.

Nominations were received as follows:

1. Randall Brooks, 1841 Longdale Drive, nominated Dr. Sherri Lynne Brooks.
2. James Powell, 1043 Avenue G, nominated himself.
3. Thomas Leeman, 714 Maury Avenue, nominated himself.
4. Vicki Greco, 1433 Brunswick Avenue, nominated Tanya Bhasin.
5. Perry Miles, 5320 Studeley Avenue, nominated himself.
6. Jacqueline Boone, 7501 Diven Street, nominated Dr. Leon Rouson.
7. John Wesley Hill, 2906 Mapleton Avenue, nominated himself.
8. Columbus Grant, 7652 Glen Eagles Road, nominated himself.
9. Reverend Glen Jones, 2501 Kennon Avenue, nominated the following persons: Abdul Aswad and Michael Spencer.
10. Robert Brown, 8507 Troy Street, nominated himself.
11. Linda Stokes, 1467 East Tanner Creek Drive, nominated herself.

President Fraim placed the following names in nomination: Courtney R. Doyle, Brad Robinson, Marlin Adams, Dr. Richard E. Bishop, Sr., Rosalie Klah, Andrea Morgan, Kent Queman, Carter C. Smith, Sherri Lynne Brooks, and Karen Squires.

President Fraim moved to close the public hearing.

ACTION: Public Hearing closed.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments to approve the **Docking Agreement** which authorized **Rover Marine, Inc.**, to operate its vessel from the city-owned berthing facilities on the **Elizabeth River**, in **Town Point Park**.

Thereupon, An Ordinance entitled, “An Ordinance approving the **Docking Agreement** which authorizes **Rover Marine, Inc.** to operate its vessel from the city-owned berthing facilities on the **Elizabeth River**, in **Town Point Park**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Brian and Page Sykes**, for the closing, vacating and discontinuing a portion of **Mayflower Road** lying north of the northern line of **New Hampshire Avenue** and west of **Nichal Court**.

Thereupon, An Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of **Mayflower Road** lying north of the northern line of **New Hampshire Avenue** and lying concentrically on the east, north, and west of **Nichal Court**; and accepting the dedication of a Pedestrian Easement by each of the abutting property owners,” was introduced in writing and read by its title.

Randy Stokes, 1501 Powhatan Court, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 10, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CONSENT AGENDA

C-1 Letter from the City Manager advising, in accordance with **Chapter 33.1-40** of the **Norfolk City Code**, of sole source emergency procurement during the month of **April 2015**, for **Selden Arcade**.

ACTION: Received and filed.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an entertainment establishment named ‘**Rip Rap Brewing Company**’ on property located at **114 East 25th Street, Unit 116**,” was introduced in writing and read by its title.

William Bell, 230 College Place, #214, the applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-1A An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **microbrewery** named ‘**Rip Rap Brewing Company**’ on property located at **114 East 25th Street, Unit 116**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an eating and drinking establishment named **‘905 Café and Grill’** on property located at **905 East Ocean View Avenue,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an entertainment establishment named **‘Coelacanth Brewing’** on property located at **760 West 22nd Street, Suite A,**” was introduced in writing and read by its title.

Kevin Erskine, 760 West 22nd Street, Ste A, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a microbrewery named **‘Coelacanth Brewing’** on property located at **760 West 22nd Street, Suite A,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named **‘Your Pie’** on property located at **7550 Granby Street, Suite 90,**” was introduced in writing and read by its title.

Jeff Rhoads, 2329 Spindraft Road, the applicant, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the creation of a flag lot on property located at **4818 Kennebeck Avenue,**” was introduced in writing and read by its title.

ACTION: Continued to July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting **\$169,922.48** from the **Virginia Department of Health, Office of Emergency Medical Services,** for the **‘Four For Life’ Program** and appropriating and authorizing the expenditure of **\$169,922.48** for the **‘Four For Life’ Program** to be used for medical training purposes and to purchase emergency medical equipment,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting with appreciation the donation of **\$8,770** to the City from the **Hampton Roads Community Foundation** and appropriating and authorizing the use of the funds to support library services and programs with a preference for the purchase for additional books and educational materials at the **Pretlow Anchor Branch Library**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting **\$44,008.59** from the **Schools and Libraries Division** of the **Universal Service Fund E-Rate Grant Program** and appropriating and authorizing the expenditure of \$44,008.59 for **Telecommunications** and **Technology Services** for the **Norfolk Public Library**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Right of Entry Agreement** permitting the **City of Chesapeake** to go upon and utilize a **City of Norfolk** easement located in the right of way of **Deepwater Drive** in the City of Chesapeake,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of **\$3,484.77**, plus interest, to **Duke Realty Limited Partnership** based upon the overpayment of its business license tax for the year 2015,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of **\$5,380.31**, plus interest, to **Sovran Acquisition Limited Partnership** based upon the overpayment of business professional and occupation license taxes for the years 2012 through 2014,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-12

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of **\$10,023.86**, plus interest, to **Susquehanna Commercial Finance, Inc.** based upon the overpayment of business personal property taxes for the **Tax Years 2013 through 2014**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-13

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of **\$4,865.52**, plus interest, to **W. M. Jordan Company, Incorporated** based upon the overpayment of its business license tax for the year **2015**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

1. Brain Mayhood, 8133 Elsie Circle, spoke on seeking assistance in opening up a Rib and Hotdog food truck.
2. Barbara Okata, 8534 Circle Drive, Karen Fenz, 8530 Circle Drive and Darryl Draper, 8533 Circle Drive, expressed concerns about extremely loud music coming from Northside Park from sun-up to sun-down.
3. Ellis James, 2021 Kenlake Place, spoke about making the City safe and environmentally protected. He also mention an article that appeared in the newspaper about boats being docked at the foot of the Campostella Bridge, stating that state and government agencies need to get involved to see how our waterways can be safer from pollutants.
4. Joe Dillard, Jr., 8600 Glen Myrtle Avenue, spoke concerning School Board nominations and stated that the NAACP is in support of a Hybrid System.
5. Thomas Calhoun, 5443 Welaka Road, reiterated that he is not in favor of the ward system for the election of School Board members; that a different School Board process may need to be considered for different sections of the City, such as a Hybrid System. He asked for a conversation.

6. Andria McClellan, 531 Warren Crescent, spoke in opposition to the Ward Based System for nominations to the School Board. She stated that over 12,000 signatures has been collected to repeal the process.
7. Nicole Cary, 9001 Tidewater Drive, spoke concerning the School Board nominations. She stated the citizens have no confidence in the current system and processes, that an at-large system would benefit everyone. She also mention that signatures were collected to repeal the current process.
8. Joe Cook, 1147 Surry Crescent, stated that the Virginian Pilot reported on the dumping of coal dust from Norfolk Southern. He showed Council a sample of coal dust he collected, stating that the black dust is toxic to citizens health. He also wants Council to support Councilman Smigiel's recommendation in adopting a resolution.
9. Danny Lee Ginn, 3845 Dare Circle, commented on good government.